

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 142

In the Matter of the Emelia Hirsch, June 9, 1994, Irrevocable Trust

Timothy Betz, Respondent

v.

Emelia A. Hirsch, aka Emelia Hirsch, aka

Emilia Hirsch, Carolyn Twite and Duane Hirsch, Petitioners and Appellees
and

Marlene Betz, Interested Party
and

Allen Betz, Interested Party and Appellant

No. 20210144

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bobbi Brown Weiler, Judge.

AFFIRMED.

Per Curiam.

Sheldon A. Smith and Tyler J. Malm, Bismarck, ND, for petitioners and appellees Carolyn Twite and Duane Hirsch; submitted on brief.

Allen Betz, self-represented, Burnsville, MN, interested party and appellant; submitted on brief.

Matter of Emelia Hirsch Trust
No. 20210144

Per Curiam.

[¶1] Allen Betz appealed from a district court order denying his motion to vacate a 2008 order that reformed a trust. Betz argues the court abused its discretion by denying his motion to vacate the reformation order.

[¶2] We affirmed the reformation order in *Matter of Emelia Hirsch Trust*, 2009 ND 135, 770 N.W.2d 225. Several other attempts to have the reformation order vacated have been unsuccessful. *See Matter of Emelia Hirsch Trust*, 2020 ND 129, 944 N.W.2d 334; *Matter of Emelia Hirsch Trust*, 2019 ND 264, 935 N.W.2d 255; *Matter of Emelia Hirsch Trust*, 2017 ND 291, 904 N.W.2d 740; *Matter of Emelia Hirsch Trust*, 2016 ND 217, 888 N.W.2d 205; *Matter of Emelia Hirsch Trust*, 2014 ND 135, 848 N.W.2d 719; *Matter of Emelia Hirsch Trust*, 2013 ND 63, 832 N.W.2d 334.

[¶3] We conclude the district court did not abuse its discretion by denying Betz's motion to vacate the reformation order. We summarily affirm under N.D.R.App.P. 35.1(a)(1), (4), and (7). We order Allen Betz to pay attorney's fees of \$500 plus double costs under N.D.R.App.P. 38.

[¶4] Daniel J. Crothers, Acting C.J.

Gerald W. VandeWalle

Lisa Fair McEvers

Jerod E. Tufte

Daniel S. El-Dweek, D.J.

[¶5] The Honorable Daniel El-Dweek, D.J., sitting in place of Jensen, C.J., disqualified.